

Message Text

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PAGE 01 TOKYO 03557 01 OF 02 140917Z
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
-----140921Z 020994 /10
O 140819Z MAR 77
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C O N F I D E N T I A L SECTION 1 OF 2 TOKYO 3557

EXDIS

E.O. 11652: GDS
TAGS: PLOS, MARR, EWWT, JA
SUBJECT: LOS: STRAITS AND JAPAN

REF: A. STATE 53453; B. TOKYO 3318; C. GENEVA 1512;
D. GENEVA 1553

SUMMARY: IN RESPONSE TO CHARGE'S EXPRESSION OF
STRONG US CONCERN THAT JAPAN MIGHT CONTEMPLATE RETREAT
FROM POSITION ON UNIMPEDED PASSAGE, FONOFF TREATIES
DIRECTOR-GENERAL NAKAJIMA SAID ESTABLISHMENT OF
UNIMPEDED PASSAGE REGIME REMAINED PRIME JAPANESE OBJECTIVE.
GOJ WAS RESOLVED TO WEATHER DIFFICULT DIET TEST ON
TERRITORIAL-WATERS BILL WITHOUT DAMAGE TO ITS LOS
POSITION. NOTION OF PROMISING TO PROPOSE AMENDMENT
OF LOS STRAITS ARTICLES WAS NOT AMONG GOJ FALL-BACK
OPTIONS, AND AMBASSADOR FUJISAKI'S EXPRESSION OF
CONCERN WAS SIMPLY INTENDED TO SENSITIZE US TO DIFFICULT
DIET SITUATION, AND DETER ANY US MOVE THAT MIGHT
COMPOUND GOJ'S DIET MANAGEMENT PROBLEM. INASMUCH AS
ESCALATING DISCUSSION OF US CONCERN REGARDING
UNIMPEDED PASSAGE RAN SUCH RISK, NAKAJIMA HOPED
WE WOULD ACCEPT HIS ASSURANCES AND NOT PURSUE MATTER FURTHER.

OUR DISCUSSION WITH NAKAJIMA SHOULDNCETER GOJ FROM
ANY FURTHER THOUGHT OF RE-OPENING STRAITS ARTICLES.

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HE IS CLOSE ENOUGH TO TOP, AND SUFFICIENTLY WITH US
ON MATTER, THAT WE MAY BE CONFIDENT THAT OUR
CONCERN WILL REGISTER ON OTHER TOP MOFA OFFICIALS.
GIVEN PARTISAN PASSIONS HERE OVER TERRITORIAL SEA
BILL, THERE IS RISK OF DAMAGING PRESS LEAK SHOULD
WE MAKE DIRECT APPROACH AT HIGHER LEVELS. ACCORDINGLY,
EMBASSY BELIEVES FURTHER EXCHANGE OF VIEWS WOULD BEST

BE HELD FOR AMBASSADOR RICHARDSON'S VISIT MARCH 25-26.
END SUMMARY.

1. MOFA TREATIES DIRGEN TOSHIJIRO NAKAJIMA ASKED
CHARGE TO MEET WITH HIM ON AFTERNOON OF MARCH 11 SO
THAT US MIGHT HAVE CLEARER IDEA OF GOJ INTENTIONS,
AND PROBLEMS IT FACED, REGARDING 12-MILE TERRITORIAL
SEA BILL. ACCORDINGLY WE DEFERRED ASKING FOR HIGHER-
LEVEL APPOINTMENT TO PURSUE INSTRUCTION REF A. NAKAJIMA
APPEARED TO BE ACTIVATED BY REPORTS THAT US WAS
CONCERNED LEST GOJ'S MANAGEMENT OF BILL IMPACT ADVERSELY
ON MUTUAL LOS INTERESTS. (SITTING IN ON MEETING
WERE SECURITY DIVDIR SATO, LEGAL DIVDIR WATANABE
AND LOS OFFDIR KUME.)

2. NAKAJIMA REVIEWED DEBATE ON TERRITORIAL SEA
ISSUE, PAINTING PICTURE ALREADY FAMILIAR TO
DEPARTMENT. HE STRESSED THAT:

-- POWERFUL DOMESTIC INTERESTS (FISHERIES AND ANTI-NUCLEAR
GROUPS) HAD LIMITED FONOFF'S LEVERAGE ON
TERRITORIAL-SEA DRLL, MOFA HAD TRIED ITS
BEST TO SELL EXCLUSIVE FISHING ZONE (EFZ) AS
SUBSTITUTE FOR EXPANDED TERRITORIAL SEA BUT HAD BEEN
OVERRULED. NONETHELESS, FONOFF HAD PERSUADED OTHER
MINISTRIES TO TAKE ACCOUNT OF LARGER US AND JAPANESE
LOS INTERESTS.

-- DRAFT TERRITORIAL-SEA BILL WAS STILL NOT
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OFFICIALLY ANNOUNCED PENDING CABINET APPROVAL BUT WAS
UNLIKELY TO BE CHANGED. CONTENT WAS SIMPLE: IT
ESTABLISHED 12-MILE SEA, BUT EXCEPTED FIVE STRAITS
(SOYA, TSUGARU, EAST AND WEST TSUSHIMA AND
OSUMI) FOR THE TIME BEING. BY "FOR THE TIME BEING,"
GOJ MEANT UNTIL NEW LOS REGIME FIRMLY ESTABLISHED.
SOME TECHNICAL PROBLEMS, SUCH AS HOW TO DELIMIT
ADJOINING TWELVE AND THREE-MILE LIMITS, REMAINED,
AND WOULD BE DEALT WITH IN IMPLEMENTING ORDER.

-- GOJ HAD SEEN NO OPTION BUT TO SPECIFY STRAITS
TO BE EXCEPTED, BECAUSE DEFINITION OF WHAT WAS "STRAIT
USED FOR INTERNATIONAL NAVIGATION" WAS, LEGALLY
SPEAKING, STILL FLUID. USE OF BROADER CONSTRUCTION
WOULD BE SURE TO INVITE STORM OF SPECULATION AND CRITICISM
FROM DIETMEN, WHO IN COURSEOF DOMESTIC DEBATE HAVE
BECOME QUITE WELL INFORMED ABOUT RSNT STRAITS
ARTICLES. LEGALLY GOJ WOULD NOT TOLERATE AMBIGUITY
REGARDING GEOGRAPHICAL SCOPE OF LEGISLATION, I.E.,

IT WOULD BE INSUFFICIENT TO RELY ON GOVERNMENT
EXPLANATIONS, AND POLITICALLY, OPPOSITION ADAMANTLY
DEMANDED STRAITS BE SPECIFIED.

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C O N F I D E N T I A L SECTION 2 OF 2 TOKYO 3557

EXDIS

-- NAKAJIMA FULLY UNDERSTOOD US CONCERN THAT
SPECIFICATION OF STRAITS MIGHT SET OFF CHAIN REACTION.
IF POINT RAISED ELSEWHERE, GOJ WAS PREPARED TO SHOW
THAT IT HAD USED OBJECTIVE CRITERIA AND HAD LEFT OUT
NO IMPORTANT STRAITS. HE HOPED THAT US WOULD
RECOGNIZE THAT BILL AS DRAFTED WAS OUTCOME OF HARD-FOUGHT
BATTLE, AND BEST POSSIBLE RESULT.

3. ASKED IF REPORTS THAT JAPAN NOW LIKELY TO
ESTABLISH 200-MILE EFZ VIS-A-VIS USSR AND OTHER
200-MILE STATES MIGHT OBVIATE NEED FOR TWELVE-MILE
SEA, NAKAJIMA REPLIED THAT LATTER SCHEME HAD
GATHERED TOO MUCH MOMENTUM TO STOP. AGMIN SUZUKI HAD
TOLD RUSSIANS THAT JAPAN WOULD ESTABLISH 200-MILE
EFZ "SHORTLY," BUT "NO ONE IS SURE WHAT THAT MEANS."
GOJ MUST CONSIDER EFFECT ON RELATIONS WITH KOREANS
AND CHINESE, AND SEE OUTCOME OF FISHERIES NEGOTIATIONS
WITH USSR. IT SEEMED TECHNICALLY IMPOSSIBLE, MOREOVER,
TO PREPARE 200-MILE BILL FOR SUBMISSION TO PRESENT
SESSION OF DIET.

4. CHARGE RESPONDED THAT US WAS ALARMED BY REPORTS
THAT SOME CONSIDERATION MIGHT BE GIVEN TO ASSURING
DIET THAT GOJ WOULD SEEK IN LOS CONFERENCE AMENDMENTS
TO STRAITS ARTICLES. COINCIDENTIAL TO APPOINTMENT
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WIZ NAKAJIMA HE HAD RECEIVED INSTRUCTION TO PRESENT US CONCERNS AT HIGHEST LEVEL POSSIBLE. US NEEDED ASSURANCES THAT GOJ WOULD NOT SEEK, EVEN PRO FORMA, TO AMEND UNIMPEDED PASSAGE REGIME, WHICH US REGARDED AS SONE QUA NON IN LOS EXERCISE. CHARGE THOUGHT IT PRUDENT TO ASK NAKAJIMA WHETHER THERE WAS ANY FOUNDATION TO THESE REPORTS.

5. NAKAJIMA SAID THAT ESTABLISHMENT OF UNIMPEDED PASSAGE REGIME WAS PRIME GOJ OBJECTIVE, AND GOJ HAD ALSO BEEN TELLING DIET THAT UNIMPEDED PASSAGE WAS MAJOR US CONCERN IN LOSC. NAKAJIMA COULD NOT PERSONALLY ENVISAGE JAPAN TAKING ANY INITIATIVE TO PREJUDICE UNIMPEDED PASSAGE, AND HE STATED CATEGORICALLY THAT UNDERTAKING TO AMEND LOS STRAITS ARTICLES WAS NOT BEING CONTEMPLATED EVEN AS GOJ FALL-BACK OPTION. GOJ EXPECTED TO HAVE GREAT DIFFICULTY IN DIET ON STRAITS ISSUE. IT HAD BEEN ATTEMPTING TO FORESEE DIRECTIONS THAT OPPOSITION ATTACK WOULD TAKE AND TO DEVISE WAYS OF CONTAINING IT. GOJ WAS WORRIED, FOR EXAMPLE, THAT IF MALAYSIANS SHOULD SUCCEED IN SECURING AMENDMENTS TO STRAITS ARTICLES, JAPAN'S POSITION WOULD BE COMPLICATED. ANOTHER CONCERN WAS THAT RIDER MIGHT BE ATTACHED IN COMMITTEE TO EFFECT THAT GOJ SHOULD EXPLAIN ITS NON-NUCLEAR PRINCIPLES AT LOSC. GOVERNMENT WAS RESOLVED TO CONTAIN SUCH PRESSURES. PRESENT STRATEGY WAS TO ATTEMPT TO HAVE TERRITORIAL-SEA BILL ASSIGNED TO AGRICULTURE AND FISHERIES COMMITTEE RATHER THAN TO FOREIGN AFFAIRS COMMITTEE, IN ORDER TO FOCUS ATTENTION ON FISHERIES RELIEF.

6. NAKAJIMA AND SATO SAID AMBASSADOR FUJISAKI'S REMARKS IN GENEVA WERE INTENDED TO POINT UP POLITICAL PRESSURE, BUT US COULD REST ASSURED THAT US-JAPAN SECURITY RELATIONSHIP AND US-JAPAN UNITY IN LOS CONTEXT WERE AMONG JAPAN'S PRIMARY CONCERNS. NAKAJIMA HOPED

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THAT US WOULD CONTAIN ITS ALARM AND NOT PURSUE MATTER AT HIGHER LEVEL INASMUCH AS US-JAPAN SECURITY RELATIONSHIP AND US-JAPAN UNITY IN LOS CONTEXT WERE AMONG JAPAN'S PRIMARY CONCERNS. ESCALATION OF DISCUSSION RAN RISK OF ITS BECOMING PUBLIC KNOWLEDGE, THEREBY SEVERELY COMPOUNDING GOJ'S DIET MANAGEMENT PROBLEMS.

7. CHARGE THANKED NAKAJIMA FOR HIS ASSURANCES, AND

AGAIN STRESSED THAT SHARPNESS OF US REACTION TO
REPORT THAT GOJ RETREAT ON UNIMPEDED PASSAGE MIGHT
BE UNDER CONSIDERATION POINTED UP INTENSE US CONCERN
FOR SOLIDARITY ON THIS CRITICAL LOS ISSUE.

8. COMMENT: JUDGING FROM RECENT DEVELOPMENTS IN OTHER
AREAS, WE BELIEVE NAKAJIMA HAS REASON TO FEAR LEAKS AND
RESULTANT DAMAGE TO US-GOJ LOS POSITIONS IF WE RAISE
MATTER WITH PRIME MINISTER'S OFFICE. (CHIEF CABINET
SECRETARY HAS BEEN ACTING AS SOMETHING OF UNGUIDED
SURROGATE FOREIGN MINISTER IN HIS RELATIONS WITH MEDIA.8&
-5 -3 58.3 WE ARE ASSURED OUR CONCERNS ARE BEING BROUGHT
TO ATTENTION OF TOP MOFA OFFICIALS. ALTHOUGH WE SEE
NO HARM IN FOLLOW-UP COMMENTS IN WASHINGTON TO ACCOMPANYING
MOFA MEMBERS OF PRIME MINISTER'S PARTY, WE BELIEVE
EXCHANGE WITH NAKAJIMA AND OPPORTUNITY FOR FURTHER
EXCHANGE OF VIEWS DURING AMBASSADOR RICHARDSON'S VISIT
MARCH 25-26 SHOULD SERVE OUR PURPOSES.
SHOESMITH

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